

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN ASSEMBLY MAY 11, 2016

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY APRIL 11, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2257

Introduced by Assembly Member Maienschein
(Coauthors: Assembly Members Brough, Chang, Cristina Garcia,
and Jones)
(Coauthor: Senator Bates)

February 18, 2016

An act to amend Section 54954.2 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL’S DIGEST

AB 2257, as amended, Maienschein. Local agency meetings: agenda: online posting.

The

(1) The Ralph M. Brown Act enables the legislative body of a local agency to call both regular and special meetings. requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act further requires the legislative body of a local agency to post, at least 72 hours before the meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public and to provide

a notice containing similar information with respect to a special meeting at least 24 hours prior to the special meeting. The act requires that the agenda or notice be freely accessible to members of the public and be posted on the local agency's Internet Web site, if the local agency has one.

This bill would require an online posting of an agenda for ~~the legislative body of a local agency, if the local agency has an Internet Web site, a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site~~ to be posted on the local agency's primary Internet Web site homepage accessible through a prominent, direct link, as specified. The bill would exempt ~~a city, county, city and county, and special district~~ *a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site* from this requirement if it has an integrated agenda management platform that meets specified requirements, ~~including~~ *including, among others*, that the current agenda ~~of the legislative body of the local agency~~ is the first agenda available at the top of the integrated agenda management platform. *The bill would authorize an integrated agenda management platform to include prior meeting agendas, as specified.* The bill would require ~~an online posting of any agenda by a local agency to be posted pursuant to these provisions to be~~ in an open format that meets specified requirements, ~~including~~ *including, among others*, that the agenda is platform independent and machine readable. The bill would also define terms for these purposes. ~~The bill would make these provisions applicable on and after January 1, 2019.~~

~~The~~

(2) *The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.*

This bill would make legislative findings to that effect.

~~The~~

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54954.2 of the Government Code is
2 amended to read:

3 54954.2. (a) (1) At least 72 hours before a regular meeting,
4 the legislative body of the local agency, or its designee, shall post
5 an agenda containing a brief general description of each item of
6 business to be transacted or discussed at the meeting, including
7 items to be discussed in closed session. A brief general description
8 of an item generally need not exceed 20 words. The agenda shall
9 specify the time and location of the regular meeting and shall be
10 posted in a location that is freely accessible to members of the
11 public and on the local agency's Internet Web site, if the local
12 agency has one. If requested, the agenda shall be made available
13 in appropriate alternative formats to persons with a disability, as
14 required by Section 202 of the Americans with Disabilities Act of
15 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations
16 adopted in implementation thereof. The agenda shall include
17 information regarding how, to whom, and when a request for
18 disability-related modification or accommodation, including
19 auxiliary aids or services, may be made by a person with a
20 disability who requires a modification or accommodation in order
21 to participate in the public meeting.

22 (2) ~~On~~ For a meeting occurring on and after January 1, 2019,
23 of a legislative body of a city, county, city and county, special
24 district, school district, or political subdivision established by the
25 state that has an Internet Web site, the following provisions shall
26 apply if a local agency has an Internet Web site: apply:

27 (A) An online posting of an agenda for the legislative body of
28 a local agency shall be posted on the local agency's primary
29 Internet Web site homepage of a city, county, city and county,
30 special district, school district, or political subdivision established
31 by the state that is accessible through a prominent, direct link to
32 the current agenda. The direct link to the agenda shall not be in a

1 contextual menu; however, a link in addition to the direct link to
2 the agenda may be accessible through a contextual menu.

3 (B) An online posting of an agenda ~~of any local agency,~~
4 including, but not limited to, an agenda posted in an integrated
5 agenda management platform, shall be posted in an open format
6 that meets all of the following requirements:

7 (i) Retrievable, downloadable, indexable, and electronically
8 searchable by commonly used Internet search applications.

9 (ii) Platform independent and machine readable.

10 (iii) Available to the public free of charge and without any
11 restriction that would impede the reuse or redistribution of the
12 agenda.

13 (C) ~~A city, county, city and county, or special district that has~~
14 *A legislative body of a city, county, city and county, special district,*
15 *school district, or political subdivision established by the state*
16 *that has an Internet Web site and an integrated agenda management*
17 *platform shall not be required to comply with subparagraph (A)*
18 *if all of the following are met:*

19 (i) A direct link to the integrated agenda management platform
20 ~~is shall be~~ posted on the ~~local agency's~~ primary Internet Web site
21 ~~homepage.~~ *homepage of a city, county, city and county, special*
22 *district, school district, or political subdivision established by the*
23 *state.* The direct link to the integrated agenda management platform
24 shall not be in a contextual menu. When a person clicks on the
25 direct link to the integrated agenda management platform, the
26 direct link shall take the person directly to an Internet Web site
27 with the agendas of the ~~local agency.~~ *legislative body of a city,*
28 *county, city and county, special district, school district, or political*
29 *subdivision established by the state.*

30 (ii) The integrated agenda management platform ~~contains all of~~
31 ~~may contain the prior agendas of the local agency.~~ *of a legislative*
32 *body of a city, county, city and county, special district, school*
33 *district, or political subdivision established by the state for all*
34 *meetings occurring on or after January 1, 2019.*

35 (iii) The current agenda of the ~~legislative body of the local~~
36 ~~agency is~~ *legislative body of a city, county, city and county, special*
37 *district, school district, or political subdivision established by the*
38 *state shall be the first agenda available at the top of the integrated*
39 *agenda management platform.*

(iv) All agendas posted in the integrated agenda management platform *shall* comply with the requirements in clauses (i), (ii), and (iii) of ~~Subparagraph~~ *subparagraph (B)*.

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) “Integrated agenda management platform” means an Internet Web site of a ~~local agency~~ *city, county, city and county, special district, school district, or political subdivision established by the state* dedicated to providing the entirety of the ~~local agency’s~~ *agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state* to the public.

(ii) “Legislative body” has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which amends Section 54954.2 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

It is in the public interest to ensure that members of the public can easily and quickly find and access meeting agendas of *legislative bodies of specific local agencies* on the Internet homepage of *those certain* local agencies.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district under this act would result from a legislative mandate that
5 is within the scope of paragraph (7) of subdivision (b) of Section
6 3 of Article I of the California Constitution.

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